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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 ANTHONY COPLEY,
8 Plaintiff,

9 vs.

10 CHARLES RATCLIFF,
11 Defendant.
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Case No. 2:15-cv-00702-RFB-CWH

ORDER

13 Presently before the court is Plaintiff Anthony Copley's Request for Production of
14 Documents (ECF No. 14), filed on August 3, 2016. Also before the court is Defendant's Motion to
15 Strike Plaintiff's Documents (ECF No. 15), filed on August 19, 2016, which relates to Plaintiff's
16 request for production of documents. Plaintiff filed a response (ECF No. 16) to Defendant's
17 motion to strike on August 30, 2016.

18 Plaintiff's request for production of documents (ECF No. 14), which the Clerk of the Court
19 docketed as a single document, actually consists of three documents which should have been
20 docketed separately: (1) a request for production of documents, (2) an "Answer to Defendant's
21 Motion," and (3) a motion for appointment of counsel. The court will address each of these
22 documents separately.

23 First, regarding the request for production of documents, the court will grant Defendant's
24 motion to strike this document from the court's docket, as Local Rule 26-8 provides that "[u]nless
25 the court orders otherwise, written discovery, including discovery requests, discovery responses,
26 deposition notices, and deposition transcripts must not be filed with the court." To the extent
27 Plaintiff requests that the court construe this request as a motion to compel, *see* ECF No. 16 at 2,
28 Plaintiff's request is denied without prejudice for him to file a motion to compel in

1 accordance with the court's local rules. Plaintiff is advised that although the court will liberally
2 construe his filings given that he is not represented by an attorney, he nevertheless is required to
3 follow the same rules of procedure that govern other litigants. *See Ghazali v. Moran*, 46 F.3d 52,
4 54 (9th Cir. 1995).

5 Second, regarding Plaintiff's "Answer to Defendant's Motion," a review of the court's
6 docket indicates that Defendant has not filed any motions in this case, and it is unclear exactly what
7 relief, if any, Plaintiff seeks by filing the "Answer to Defendant's Motion." The court therefore
8 will order the Clerk of Court to strike this document as requested by Defendant. To the extent
9 Plaintiff seeks relief by way of this document, Plaintiff is advised to file a motion or stipulation in
10 accordance with the court's local rules.

11 Third, regarding Plaintiff's motion for appointment of counsel, the court finds that this
12 motion should have been docketed separately, thereby triggering response and reply deadlines in
13 the court's electronic filing system. The court therefore will order the Clerk of Court to detach and
14 file Plaintiff's motion for appointment of counsel as a separate motion. If Defendant wishes to file
15 a substantive response to this motion, he must do so within 17 days from the date it is filed by the
16 Clerk of Court as a separate motion.

17 Additionally, the court notes that although Defendant's answer was filed on May 10, 2016,
18 making the parties' proposed discovery plan and scheduling order due June 9, 2016, the parties
19 have not yet filed a proposed discovery plan and scheduling order. The court therefore will order
20 the parties to meet and confer and to file a proposed discovery plan and scheduling order.

21 IT IS THEREFORE ORDERED that the Clerk of Court must detach Plaintiff's (1) Answer
22 to Defendant's Motion and (2) Motion for Appointment of Counsel from Plaintiff's Request for
23 Production of Documents (ECF No. 14) and file them as separate documents in the court's
24 electronic filing system.

25 IT IS FURTHER ORDERED that Defendant's Motion to Strike Plaintiff's Documents
26 (ECF No. 15) is GRANTED in part and DENIED in part. It is granted to the extent that the Clerk
27 of Court must strike Plaintiff's Request for Production of Documents (ECF No. 14) and Plaintiff's
28 Answer to Defendant's Motion (ECF No. to be determined). It is denied with respect to Plaintiff's

1 motion for appointment of counsel.

2 IT IS FURTHER ORDERED that responses to Plaintiff's motion for appointment of
3 counsel (ECF No. to be determined) are due 17 days from the date the Clerk of Court files the
4 motion for appointment of counsel as a separate motion.

5 IT IS FURTHER ORDERED that the parties must meet and confer and file a proposed
6 discovery plan and scheduling order by October 5, 2016.

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8 DATED: September 7, 2016

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11 C.W. Hoffman, Jr.
12 United States Magistrate Judge
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